

REMARKS

This response is being timely filed.

Applicants submit that the amendments to the claims herein are fully supported in the present specification as filed and add no new matter. Also, with this response, Applicants are addressing a new rejection in view of a newly cited reference (see PTO-892 form attached to the Office Action). Therefore, it is respectfully requested that the present Amendment be entered into the Official File in view of the fact that the Amendment automatically places the application in condition for allowance.

In the alternative, if the Examiner continues with the rejections of the present application, it is respectfully requested that the present Amendment be entered for purposes of an Appeal. The Amendment reduces the issues on appeal by reducing the number of claims (e.g., claims 1-19 and 22 are canceled) as well as overcoming the objection and/or the rejection under 35 U.S.C. § 102(e). Thus, the issues on appeal would be reduced.

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

Status of the Claims

In the present response, claims 1-19 and 22 have been canceled without prejudice or disclaimer of the subject matter contained therein. Also, claims 20, 23, 25-27 and 29-33 have been amended. Thus, claims 20, 21 and 23-33 are pending in the present application.

No new matter has been added with the present amendments. The amendments to claims 20 and 33 incorporate the subject matter from canceled claim 22. Also, the other claims have been amended so that these claims no longer depend on canceled claim 19.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw the objection and all rejections and allow the currently pending claims.

Claim Objections

Claims 25-27 and 29-32 stand objected to as depending on withdrawn claim 19 (see paragraph 2 of the outstanding Office Action). Applicants note that this objection has been obviated as the dependencies of the disputed claims have been changed. Reconsideration and withdrawal of this objection are respectfully requested.

Issues Under 35 U.S.C. § 102(e)

Claims 20, 21, 23, 25, 26, and 29-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Application No. 2003/10180619 (hereinafter referred to as “Tamura *et al.* ‘619”) (see paragraphs 3-4 of the Office Action).

Also, claim 33 stands rejected under 35 U.S.C. § 102(e) as being anticipated by WO 02/25757 (Tamura *et al.*; “WO ‘757”) (see paragraph 5 of the Office Action).

Applicants respectfully traverse both rejections.

Applicants respectfully refer the Examiner to claims 20 and 33 herein. These claims incorporate subject matter from claim 22, wherein claim 22 is not at issue here. Thus, the rejection in view of either Tamura *et al.* '619 or WO '57 has been instantly overcome since these references fail to disclose all instantly claimed features. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Reconsideration and withdrawal of these rejections are respectfully requested.

Issues Under 35 U.S.C. § 102(b)

Claims 20-22 and 24-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the publication by Tamura *et al.* (*Journal of Power Sources*, Vol. 107, p. 48-44 (2002); hereinafter "Tamura *et al.* (2002)") (see paragraph 6 of the Office Action). Applicants respectfully traverse since the cited Tamura *et al.* (2002) reference does not disclose all instantly claimed features.

The cited Tamura *et al.* (2002) reference describes an electrode that is formed by plating a collector of a copper foil with Sn and allowing a part of the collector to react with Sn by a heat treatment. Further, the electrode in Tamura *et al.* (2002) has a configuration such that a Cu₃Sn layer is formed between a Cu₆Sn₅ and a Cu foil collector.

In the Office Action at page 7, first paragraph, the Examiner refers Applicants to Figure 8(b) of Tamura *et al.* (2002) stating that the "Cu-Sn-like phase first layer" of the reference corresponds to the protective layer in pending claims 20 and 33, and that the "Cu₆Sn₅ second phase layer" of the reference corresponds to the active material layer of the intermetallic

compound also in pending claims 20 and 33. However, Applicants respectfully submit that Tamura *et al.* (2002) fails to disclose the subject matter now incorporated in claims 20 and 33. Specifically, Tamura *et al.* (2002) fails to describe “a main constituent element of the protective layer is different from that of the intermetallic compound” as instantly claimed. Put differently, the Cu-Sn-like phase first layer and the Cu₆Sn₅ second phase layer of Tamura *et al.* (2002) both contain Cu as a main constituent element. Even though the Examiner has rejected claim 22, Applicants note Tamura *et al.* (2002) does not disclose this subject matter. Thus, this rejection has been overcome. *Verdegaal Bros.; supra*. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

In view of the above remarks, it is believed that claims are allowable. A Notice of Allowability is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/810,505

Docket No.: 5271-0113PUS1

Art Unit 1745

After Final Office Action of August 29, 2007

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: NOV 28 2007

Respectfully submitted,

By 

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